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Sent: Thur 4/25/2013 7:44:47 PM
Subject: Exide Technologies, Inc. DTSC Press Release and News Coverage

Kim/Maria -

As I am sure you are both aware, the California Department of Toxic Substances Control (DTSC) issued a press release regarding the Exide facility in Vernon yesterday. I have also included below some news coverage that has come out following that release.

Here is the DTSC press release on their website:

<http://www.dtsc.ca.gov/PressRoom/upload/News-Release-T-08-13.pdf>

California suspends operations at Vernon battery recycler

By Jessica Garrison and Kim Christensen, Los Angeles Times

April 24, 2013, 6:20 p.m.

State regulators took the highly unusual step Wednesday of suspending operations at a Vernon battery recycler that has discharged harmful quantities of lead for years and more recently has been deemed to pose a danger to as many as 110,000 people because of arsenic emissions.

The state Department of Toxic Substances Control said its order came after officials learned this spring that Exide Technologies, one of the largest car battery recyclers in the world, had been continuously releasing hazardous waste into the soil beneath its plant because of a degraded pipeline.

The temporary shutdown follows several Los Angeles Times stories about arsenic emissions from the plant, which air quality officials said pose an increased cancer risk to as many as 110,000 people living in Boyle Heights, Maywood and Huntington Park. The South Coast Air Quality Management District said the plant posed a higher cancer risk to more people than any of 450 operations the agency has regulated in the last 25 years.

"This facility poses an unacceptable risk to human health and the environment and must suspend its operations until it comes into compliance," toxics department Director Debbie Raphael said. She said the company must figure out exactly how badly it has contaminated surrounding land and come up with an acceptable plan for cleaning it up.

An Exide official said via email that the company "does not comment on administrative or legal actions." Earlier this year another spokeswoman for the company stressed that it has worked hard to protect neighboring communities.

The facility has a long history of air pollution and hazardous waste violations, which include allegedly allowing lead dust to sprinkle down on neighboring rooftops and sidewalks, spilling lead onto Interstate 5 and contaminating ground water, according to regulators' reports. Lead is a potent neurotoxin and is considered unsafe for children at even very low levels.

Even so, the state toxics department has allowed the Vernon plant, which melts tens of thousands of batteries a day, to operate on "interim status" since the 1980s. It is the only hazardous waste facility in California that does not yet have a permit required by the landmark 1976 Resource Conservation and Recovery Act — intended to ensure the safe treatment, storage and disposal of hazardous waste.

Exide's environmental problems have not been confined to its Vernon plant or to California. Since late last year, the company has closed its lead-smelting operations in Texas and Pennsylvania after running afoul of regulators, residents and some elected officials.

In Boyle Heights and Maywood, residents and officials said they believe that lead and other substances from the plant have made them sick, citing respiratory ailments, neurological diseases and cancer. They questioned why it took state regulators so long to act.

"It is long overdue," said Maywood Councilman Felipe Aguirre, who said he and others have been begging toxics department officials to do something about the plant for years. "They didn't do a damn thing."

State Sen. Kevin de Leon (D-Los Angeles) was also dismayed. "I am concerned because it shouldn't take a Los Angeles Times story or letters from legislators for the DTSC to become engaged," he wrote to the department's director.

The problems at the plant, which opened in 1922, predate the involvement of Exide. The company took over the plant in 2000.

Vernon City Administrator Mark Whitworth said officials intend to monitor regulators' actions to make sure that the area around the plant is "completely safe before the facility is cleared to

resume operation."

But some critics worried that if the plant does not reopen, taxpayers could be on the hook for the cleanup bill. Liza Tucker, an advocate with Santa Monica-based Consumer Watchdog, said the \$10 million the company posted for cleanup is "nowhere near enough" to fix the contamination officials know about, let alone issues they may not be aware of. State officials disputed that assertion.

The temporary closure, the first to target a large plant in many years, coincided with a state Environmental Protection Agency finding that the most polluted ZIP Code in Southern California includes Vernon. The industrial town of about 100 residents is surrounded by much more populous communities composed largely of working-class families.

The Vernon plant is one of only two lead battery smelters west of the Rocky Mountains and melts up to 40,000 batteries a day. Mark Thorsby, executive vice president of Battery Council International, predicted that the suspension would not affect battery prices.

Raphael, head of the toxics department, said state officials are supportive of battery recycling, but not at the expense of public health. "With more than 30 million cars in California, we clearly need an effective method of recycling," she said. "But recyclers must also play by the rules."

Over the last few months, Raphael said, toxics department officials have become convinced that Exide was unable or unwilling to do so.

In early March the company filed a report with the toxics department that revealed it was continuously releasing water laden with hazardous waste levels of lead, arsenic and cadmium into the environment.

Later that month the South Coast Air Quality Management District revealed that Exide was emitting hazardous levels of arsenic through its smokestack. The emissions were estimated to create a risk of about 156 cancer cases per million people among nearby workers over decades of exposure. For residents farther away in Boyle Heights, the risk was estimated at about 22 per million.

Under district regulations, the public must be warned when risk from a facility reaches 10 per million.

Regulators say lead emissions, once so high that the company was forced to cut production, have fallen in recent years. Still, Exide was cited twice last year for harmful lead emissions by the air district.

Lead can damage the nervous system, kidneys and reproductive system, according to the U.S. Centers for Disease Control and Prevention. Children are more vulnerable than adults and can suffer learning disabilities and reduced growth.

Arsenic, meanwhile, is a carcinogen that can also cause nausea and vomiting, decreased production of red and white blood cells and an abnormal heart rhythm. Children's long-term exposure to arsenic may lower their IQ scores.

Assembly Speaker John A. Pérez (D-Los Angeles), who called for state officials to take action on the facility after The Times reported on its high arsenic emissions, applauded the decision but said the failure to act until now has been "an inexcusable oversight on the part of the department for too long."

"All too often we see situations like this, with facilities out of compliance, relying on outdated permits, guilty of numerous violations allowed to continue to operate in communities that already bear a disproportionate pollution burden. Often these are communities of color, with a lower socio-economic status, having little capacity to address these challenges. This cannot continue."

Here are a couple of other stories covering DTSC's announcement yesterday regarding Exide.

Associated Press: "State shuts down SoCal hazardous battery recycler"
<http://www.sfgate.com/news/science/article/State-shuts-down-SoCal-hazardous-battery-recycler-4460688.php>

Los Angeles Times: "State officials temporarily shut down Vernon battery recycler"
<http://www.latimes.com/local/lanow/la-me-ln-battery-recycler-shut-down-20130424,0,5270589.story>

Southern California Public Radio: "Regulators close car battery recycler in Vernon; cite cancer risk, contaminated soil"
<http://www.scpr.org/blogs/environment/2013/04/24/13431/regulators-close-car-battery-recycler-in-vernon-ci/>

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